



APPENDIX.

Fair Labor Standards Act, c. 676, 52 Stat. 1060, (29 U.S.C., sec. 201 *et seq.*):

Section 13(a): The provisions of 6 and 7¹ shall not apply with respect to

(1) any employee employed in a bona fide * * * local retailing capacity * * * (as such terms are defined and delimited by regulations of the Administrator); or

(2) any employee engaged in a retail or service establishment, the greater part of whose selling or servicing is in intrastate commerce * * *.

Regulation of Administrator—Regulations Defining and Delimiting the Terms “Any Employee Employed in a Bona Fide * * * Local Retailing Capacity * * *” Pursuant to Section 13(a)(1) of the Fair Labor Standards Act. (Section 541.4, Part 541, Ch. V, Title 29 of the Code of Federal Regulations.)

The term “employee employed in a bona fide * * * local retailing capacity” in section 13(a)(1) of the act shall mean any employee—

(A) who customarily and regularly is engaged in

(1) making retail sales the greater part of which are in intrastate commerce; or

(2) performing work immediately incidental thereto, such as wrapping or delivery of packages, and

(B) whose hours of work of the same nature as that performed by nonexempt employees do not exceed 20 percent of the number of hours worked in the workweek by such nonexempt employees.

1. These are the sections which establish wage and hour standards.